

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q68075

Laurent ROULLET, et al.

Appln. No.: 10/043,326

Group Art Unit: 2616

Confirmation No.: 6676

Examiner: Afsar M. Quershi

Filed: January 14, 2002

For: RELAY INCLUDING A MASS MEMORY FOR TEMPORARILY STORING  
DIFFERED-TIME INFORMATION STREAMS

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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## APPEAL BRIEF

### I. REAL PARTY IN INTEREST

Based on the information supplied by the Appellants, and to the Appellants' legal representatives' knowledge, the real party in interest is the assignee, Alcatel.

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**II. RELATED APPEALS AND INTERFERENCES**

Appellants, as well as Appellants' assigns and legal representatives, are unaware of any appeals or interferences which will be directly affected by, or which directly affect or have a bearing on, the Board's decision in the pending case.

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**III. STATUS OF CLAIMS**

Claims 1-6 are all the claims pending in the present application. Claims 1-6 have been finally rejected, and are the subject of this appeal. The pending claims are set forth in the Appendix.

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**IV. STATUS OF AMENDMENTS**

No amendments have been filed subsequent to the Final Office Action dated October 18, 2006.

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**V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

An exemplary embodiment of the present invention relates to a relay for use in telecommunications equipment. The relay includes a receiver (R) adapted to receive an information stream consisting of information cells, some of which can be empty (page 5, lines 13-17), a mixer (M) adapted to detect the empty information cells and replace them with waiting cells (page 6, lines 5-29), a transmitter (E) adapted to transmit the information cells to a receiver outside said telecommunications equipment, and a stream analyzer (A) for determining if an information stream received by the receiver is a real-time information stream or a differed-time information stream cells in a mass memory (MM) (page 5, lines 13-22). The mixer is adapted to choose the waiting cells from among the cells stored in said mass memory (page 6, line 16 - page 7, line 12). *See, for example, claim 1.*

The claimed subject matter of independent claim 4 is substantially reflected in the summary of the claimed subject matter set forth in the paragraph above.

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**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lee (U.S. Patent No. 5,574,720).

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**VII. ARGUMENT**

**A. Lee Does Not Render Claims 1-6 Unpatentable Under 35 U.S.C. § 103(a).**

A1. Lee Does Not Disclose or Suggest At Least, “a mixer (M) adapted to detect the empty information cells and replace them with waiting cells,” as recited in Claim 1.

Lee is directed to a traffic output suppression apparatus and a method for preventing congestion in an asynchronous transfer mode network. The apparatus includes an input cell classification processor for detecting virtual connection identifiers and cell loss priority information from an input cell stream and classifying the input cell stream into real-time process type cells and process-after-standby type cells, a real-time process type cell processor for selectively discarding or passing the real-time process type cells from the input cell classification processor in response to the cell loss priority information from the input cell classification processor and external network node state information, a network node state processor for generating a storage command and an extraction command in response to the external network node state information, a process-after-standby type cell processor for processing the process-after-standby type cells from the input cell classification processor in response to the storage command and the extraction command from the network node state processor, and a cell output processor for transferring the output cells from the real-time process type cell processor or the output cells from the process-after-standby type cell processor in a first-in-first-out manner. *See Abstract of Lee.*

Appellants submit that Lee does not disclose or suggest at least, “a mixer (M) adapted to detect the empty information cells and replace them with waiting cells,” as recited in claim 1. As the Examiner acknowledges, Lee discloses that a process-after-standby type cell processor 23

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checks whether a cell buffer of the cell temporary storage device is in an empty state, and if so, the processor 23 passes the input cell. Nowhere, however, does Lee disclose detecting empty information cells and replacing them with waiting cells. There is no mention in Lee of at least the replacing operation. At least based on the foregoing, Appellants submit that claim 1 is patentably distinguishable over Lee.

Appellants submit that independent claim 4 is patentable at least based on reasons similar to those set forth above with respect to claim 1. Appellants submit that dependent claims 2, 3, 5, and 6 .are patentable at least by virtue of their respective dependencies from independent claims 1 and 4.

- A2. Lee Does Not Disclose or Suggest At Least, “a deleter (D) for deleting an information cell stored in said mass memory when it has been sent by said transmitter to said receiver,” as recited in Claim 2 and similarly recited in claim 5.

Further, with respect to claims 2 and 5, Appellants submit that Lee does not disclose or suggest a relay comprising, inter alia, “a deleter (D) for deleting an information cell stored in said mass memory when it has been sent by said transmitter to said receiver,” as recited in claim 2 and similarly recited in claim 5. To satisfy the above-quoted feature, the Examiner alleges that Lee teaches that the process-after-standby type cell processor 23 outputs a cell previously stored in the cell buffer and stores the input cell in the cell buffer. According to Appellants' understanding, the invention of Lee performs this alleged operation when a cell buffer is determined to be empty. Nowhere, however, does Lee disclose or suggest the conditional feature that the deleting of the information cell stored in mass memory is performed when it has been sent by said transmitter to said receiver.

In response to the argument above, the Examiner alleged:

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Regarding claims 2 and 5, Lee teaches the method and apparatus of claims 1 and 4; however, Lee does not specifically teach a deleter (D) for deleting an information cell stored in said mass memory when it has been sent by said transmitter to said receiver. However, Lee teaches the process-after-standby type cell processor 23 outputs a cell previously stored in the cell buffer and stores the input cell in the cell buffer. The cell buffer is a temporary storage device 17. (See Fig. 3 and col. 5, lines 39-49). The temporary storage device would be obviously having a deleting function to delete the cell information when the cell has been sent. Thus, it would have been obvious to one who has ordinary skill in the art at the time the invention was made to delete an information cell after it has been set because Lee teaches temporary storage device 17 (Fig. 3).

In response, Appellants submit that even if, *arguendo*, the cell buffer is a temporary storage device 17, there is no disclosure or suggestion of the specific temporal aspects of claims 2 and 5 where an information cell stored in mass memory is deleted when it has been sent by said transmitter to said receiver.

Accordingly, Appellants maintain that Lee does not teach or suggest the above-quoted feature of claim 2 which is similarly recited in claim 5.

**Conclusion**

In summary, at least based on the foregoing, Appellants submit that the Examiner has not demonstrated that each and every feature of the claimed invention, as set forth in claims 1-6, is taught and/or suggested by Lee. Therefore, Appellants submit that claims 1-6 are patentably distinguishable over Lee.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

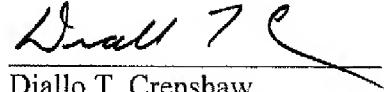
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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: May 21, 2007

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**CLAIMS APPENDIX**

CLAIMS 1-6 ON APPEAL:

1. A relay for use in telecommunications equipment, said relay comprising:
  - a receiver (R) adapted to receive an information stream consisting of information cells, some of which can be empty,
  - a mixer (M) adapted to detect the empty information cells and replace them with waiting cells, and
  - a transmitter (E) adapted to transmit the information cells to a receiver outside said telecommunications equipment,

which relay is characterized in that it further comprises a stream analyzer (A) for determining if an information stream received by said receiver is a real-time information stream or a differed-time information stream cells in a mass memory (MM) and in that said mixer is adapted to choose said waiting cells from among the cells stored in said mass memory.
2. A relay according to claim 1, further comprising a deleter (D) for deleting an information cell stored in said mass memory when it has been sent by said transmitter to said receiver.
3. A relay according to claim 1, wherein said mixer is adapted to choose said waiting cells as a function of time scheduling rules.

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4. A method comprising the steps of:

receiving an information stream made up of information cells, some of which can be empty,

detecting empty information cells,

replacing said empty information cells with waiting cells, and

transmitting information cells,

which method is characterized in that it further comprises the steps of:

determining if an information stream is a real-time information stream or a differed-time information stream, and

storing differed-time information stream cells, and in that said waiting cells are chosen from among the stored information cells.

5. A method according to claim 4, further comprising a step of deleting a stored information cell when it has been sent.

6. A method according to claim 4, wherein in said waiting cells are chosen as function of time scheduling rules.

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**EVIDENCE APPENDIX:**

NONE.

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**RELATED PROCEEDINGS APPENDIX**

NONE.

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**SUBMISSION OF APPEAL BRIEF**

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Submitted herewith please find an Appeal Brief. The statutory fee of \$500.00 is being charged to Deposit Account No. 19-4880 via EFS Payment Screen. The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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